Restricted

HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
30 March 1949

UNITED STATES OF AMERICA VS TSURUGI KOMATSU
UNITED STATES OF AMERICA VS MASAO SUZUKI
UNITED STATES OF AMERICA VS KEN SUZUKI

Review of the Staff Judge Advocate

1. The attached record of trial of the case of Tsurugi Komatsu, Masao Suzuki and Ken Suzuki, tried at Yokohama, Japan, from 20 May 1948 to 26 May 1948, by a Military Commission appointed by paragraph 1, Special Orders No. 113, Headquarters Eighth Army, United States Army, dated 18 May 1948, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Tsurugi Komatsu
AGE: 38
RESIDENCE: Fukushima-Ken, Iwaki-Gun, Yumoto-Machi, Aza Asakai-Ku 68-2
MARITAL STATUS: Married
RELATIVES: Wife, 3 daughters
EDUCATION: Eight years
VOCATION: Mine Safety Inspector
MILITARY CAREER: 6 years, 10 months. Discharged 15 September 1943, Highest rank: Sergeant

DATE OF CONFINEMENT: 24 January 1946
DATE OF ARRAIGNMENT: 20 May 1948
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 20 May 1948 to 26 May 1948
DATE OF SENTENCE: 26 May 1948
SENTENCE: CHL for twenty-five (25) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Masao Suzuki
AGE: 37
RESIDENCE: Fukushima-Ken, Ishiki-Gun, Yumoto-Machi, Aza Mizuno, Kameno 140
MARITAL STATUS: Married
RELATIVES: Wife, 2 daughters
EDUCATION: Eight years
VOCATION: Miner
MILITARY CAREER: 3 months, discharged 30 December 1943. Highest rank: 2nd Class Private

DATE OF CONFINEMENT: 29 December 1947
DATE OF ARRAIGNMENT: 20 May 1948
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 20 May 1948 to 26 May 1948
DATE OF SENTENCE: 26 May 1948
SENTENCE: CHL for thirteen (13) years
CLEMENCY RECOMMENDED ~~BY~~ COMMISSION: No

NAME: Ken Suzuki
AGE: 40
RESIDENCE: Fukushima-Ken, Iwaki-Gun, Yumoto-Machi, Oaza Mizunoya, Aza Chiyotsuro No. 1
MARITAL STATUS: Married
RELATIVES: Wife, 2 sons
EDUCATION: Eight years
VOCATION: Mine Safety Inspector
MILITARY CAREER: None

DATE OF CONFINEMENT: 24 January 1946
DATE OF ARRAIGNMENT: 20 May 1948
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 20 May 1948 to 26 May 1948
DATE OF SENTENCE: 26 May 1948
SENTENCE: CHL for four (4) years
CLEMENCY RECOMMENDED BY COMMISSION: No

PURL: https://www.legal-tools.org/doc/43af7b/

Restricted

Restricted

2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency.

Charges and Specifications:	Pleas	Findings	Legally Sustained
KOMATSU Charge: That the following civilian, Tsurugi KOMATSU, also known as "SHOTO-JO" and "BULLDOG", at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: That between 1 January 1944 and 1 December 1944, accused did willfully and unlawfully mistreat Joseph Louis Bouquiet, a Dutch Prisoner of War, by wounding him with an iron object, striking him with a mine hammer, beating him and otherwise abusing him.	NG	G	Yes
Sp 2: That on numerous occasions between 15 September 1944 and 31 January 1945, accused did willfully and unlawfully mistreat Danny Louis Cohen, a Dutch Prisoner of War, by striking him with a shovel, kicking, beating and otherwise abusing him.	NG	G	Yes
Sp 3: That on or about 6 November 1944, accused did willfully and unlawfully mistreat Leonard Nico Neys, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 4: That on or about 20 November 1944, accused did willfully and unlawfully mistreat Gysbertus F. W. Cortenbach, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 5: That on numerous occasions between 15 May 1943 and 31 August 1945, accused did willfully and unlawfully mistreat Johan Herman Isaac van Eck, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 6: That between 15 April 1943 and 24 November 1944, accused did willfully and unlawfully mistreat Alfons Eilbracht, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 7: That on numerous occasions in or about November, December and January 1944, accused did willfully and unlawfully mistreat John B. Sibenius Trip, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes

PURL: https://www.legal-tools.org/doc/43af7b/

Restricted

Sp 8: That on or about 10 December 1944, accused did willfully and unlawfully mistreat Thoederus Bonte, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 9: That on or about 20 November 1944, accused did willfully and unlawfully mistreat and abuse Jules D. Hafkenscheid, a Dutch Prisoner of War, by striking him.	NG	G	Yes
Sp 10: That on or about 26 November 1944, accused did willfully and unlawfully mistreat Gustaaf Leendert Bal, August Marinus G. Bruyne, and Frans Josef Teekamp, Dutch Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
Sp 11: That on or about 5 December 1944, accused did willfully and unlawfully mistreat Paul Eduard Kommer, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 12: That on several occasionsin or about December 1944, accused did willfully and unlawfully mistreat Rudolph Bob Brugman, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 13: That on or about 13 December 1944, accused did willfully and unlawfully mistreat and abuse Koos Wadie, a Dutch Prisoner of War, by beating him.	NG	G	Yes
Sp 14: That on or about 14 December 1944, accused did willfully and unlawfully mistreat Rinald R. Jellema, a Dutch Prisoner of War, by beating, kicking and otherwise abusing him.	NG	G	Yes
Sp 15: That on or about 14 December 1944, accused did willfully and unlawfully mistreat and abuse Johannes Frederick Hiele, a Dutch Prisoner of War, by striking him.	NG	G	Yes
Sp 16: That in or about January 1945, accused did willfully and unlawfully mistreat Adolph Cornelis Fagginger-Auer, a Dutch Prisoner of War, by kicking, beating, and otherwise abusing him.	NG	G	Yes
Sp 17: That on numerous occasions between 15 April 1943 and 31 August 1945, accused did willfully and unlawfully mistreat Henry Jacobs, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 18: That in or about August 1945, accused did willfully and unlawfully mistreat Eddy Martinus Bouwens, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes

PURL: https://www.legal-tools.org/doc/43af7b/

Restricted

Sp 19: That between 15 May 1943 and 31 August 1945, accused did willfully and unlawfully mistreat and abuse Lodewijk Alexander Croes, a Dutch Prisoner of War, by striking him.	NG	G	Yes
Sp 20: That on numerous occasions between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Albert H. Delbridge, a Canadian Prisoner of War, by beating and otherwise abusing him, thereby causing him to sustain a fractured rib.	NG	G	Yes
Sp 21: That on numerous occasions between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Matthew William Murray, a Canadian Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 22: That between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse John Thomas Ferrigan, a Canadian Prisoner of War, by beating him.	NG	G	Yes
Sp 23: That on several occasions between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse Henry A. Hladych, a Canadian Prisoner of War, by beating him.	NG	G	Yes
Sp 24: That between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Joseph Frenette, a Canadian Prisoner of War, by beating him.	NG	G	Yes
Sp 25: That on or about 10 August 1945, accused did willfully and unlawfully mistreat Jack Rose, a Canadian Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 26: That in or about July and August 1945, accused did willfully and unlawfully mistreat Robert C. Stager, a Canadian Prisoner of War, by striking him with a mine hammer, beating and otherwise abusing him.	NG	G	Yes
Sp 27: That on or about 16 July 1945, accused did willfully and unlawfully mistreat Leo Paul Berard, a Canadian Prisoner of War, by striking him with a pick handle, beating and otherwise abusing him.	NG	G	Yes
Sp 28: That in or about August 1945, accused did willfully and unlawfully mistreat Ralph Donald Alley, a Canadian Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes

PURL: https://www.legal-tools.org/doc/43af7b/

Sp 29: Between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat John Dominic Caruso, a Canadian Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 30: That between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat James H.G. Stewart, a Canadian Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 31: That between 1 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat John Kitt, a Canadian Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 32: That on several occasions between June 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Sylvere Arsenault, a Canadian Prisoner of War, by striking him with an iron bar, beating and otherwise abusing him.	NG	G, except the words "several occasions between June 1945 and 15 August 1945", substituting therefor the words, "or about June 1945". Of the excepted words, Not Guilty; of the substituted words, Guilty.	Yes
Sp 33: That on numerous occasions between 15 April 1943 and 15 August 1945, accused did willfully and unlawfully mistreat numerous Allied Prisoners of War, not hereinbefore mentioned, by beating and otherwise abusing them.	NG	G	Yes
SUZUKI, Masao			
Charge: That the following civilian, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: That on numerous occasions between 12 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat James Andrew Flanagan, a Canadian Prisoner of War, by striking him with an iron bar, beating him and otherwise abusing him.	NG	G	Yes
Sp 2: That on numerous occasions between 12 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Joseph C. Frenette, a Canadian Prisoner of War, by striking him with a saw, a wooden stick, kicking him, beating him and otherwise abusing him.	NG	G	Yes
Sp 3: That on numerous occasions between 10 August 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Charles Henry Jessup, a British Prisoner of War, by kicking, beating and otherwise abusing him.	NG	G	Yes

CBUBL https://www.legal-tools.org/doc/43af7b/

Sp 4: That on numerous occasions between 12 May 1945 and 15 August 1945, accused did willfully and unlawfully mistreat Joseph Anthony Lyle Dempsey, a Canadian Prisoner of War, by striking him with a saw, a wooden stick, beating, and otherwise abusing him.	NG	G	Yes
Sp 5: That on or about 10 August 1945, accused did willfully and unlawfully mistreat William J. Overton, a Canadian Prisoner of War, by kicking, beating, and otherwise abusing him.	NG	G	Yes
Sp 6: That on numerous occasions between 1 May 1943 and 15 August 1945, accused did willfully and unlawfully mistreat Lambertus Kroes, a Dutch Prisoner of War, by striking him with a piece of wood, by kicking, beating, and otherwise abusing him.	NG	G	Yes
Sp 7: That on numerous occasions between 1 May 1943 and 15 August 1945, accused did willfully and unlawfully mistreat numerous Allied Prisoners of War, not hereinbefore specified, by beating and otherwise abusing them.	NG	G	Yes
SUZUKI, Ken			
Charge: That the following civilian, Ken Suzuki, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: That on numerous occasions during 1944 and 1945, accused did willfully and unlawfully mistreat Adolph Fogginger-Auer, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 2: That between June 1943 and October 1943, accused did willfully and unlawfully mistreat Eddy M. Bouvens, a Dutch Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
Sp 3: That on numerous occasions between 15 April 1943 and 15 August 1945, accused did willfully and unlawfully mistreat numerous Allied Prisoners of War not hereinbefore specified by beating and otherwise abusing them.	NG	G	Yes

3. Summary of the Evidence:

a. For the Prosecution:

The accused were miners employed in the Kashima Coal Mine of the Joban-Tanko Co., near Yomoto, Japan. Komatsu, known as "The Bull Dog", was employed about 4 July 1944 and was a security director and shift boss. Masao Suzuki, known as "The Mad Dog" or "Dolle Hond" by the Dutch PW's, was an ordinary miner and

https://www.legal-tools.org/doc/43af7b/

mine foreman over PW's who worked in the mine during the entire period that PW's were there except the last three months of 1943. Ken Suzuki, known as "The Tailless Worm" and "Black Prince", was a security director and shift boss working on a different level than Komatsu. He was in the mine throughout the PW period. In April 1943, Dutch PW's began working in the mine; in August 1944, English PW's arrived; and in May 1945 Canadian PW's came.

As to Specification 1 (Komatsu): Bouquiet, a Dutch PW, identified a photo of accused as "Bull Dog" Komatsu. In 1944, while working in the mine, accused snatched an iron scratcher from him and hit him in the right thigh wounding him. Accused then beat him on the back with his iron hammer and kicked him. He fell to the ground and was not able to work for three weeks (Ex 7). Confirmed in part by Captain Franken, who was the highest in rank among the Dutch PW's and as their spokesman submitted five written reports from September 1944 through December 1944 to the camp commander concerning mistreatment of various PW's by Japanese employees, particularly accused, whom he identified as Koma, Kommatsu and "The Bull Dog". In a covering affidavit, dated 9 September 1946, he identified carbon copies of these reports, extracts from which pertain to the first 15 specifications against Komatsu. While he did not see these mistreatments, his notations are of compelling force inasmuch as same were prepared within a matter of hours of the commission of the various acts of brutality on information given him by the victims and corroborated by his investigations at that time. He saw the wound inflicted on Bouquiet's right thigh and states that the wound was 2½ inches long and ½ inches deep. Bouquiet was excused from work one week and got a light job for about two weeks (Ex 6).

As to Specification 2 (Komatsu): Franken: On 21 September 1944, PW Cohen, who had been very ill, almost fainted in the mine and was sent above for fresh air by his foreman, for which accused beat Cohen with a piece of wood and his fists. On 6 November 1944, Cohen was punched in the face for having eaten his mess. On 18 December 1944, accused gave Cohen a hard kick in his stomach and later beat him on his back and breast with a shovel and punched him in his face, all these attacks being unprovoked (Ex 6). Faggingor-Auer: In January 1945, PW's Trip and Cohen brought him upstairs when he fainted in the mine for which they were beaten for 15 minutes by accused. Cohen almost collapsed and was in bad shape (Ex 82).

As to Specification 3 (Komatsu): Franken: On 6 November 1944, Komatsu accused PW Neys of having eaten his mess at camp rather than in the mine and beat him severely in the face with his fist, banged him on the ground, bounced his head against the wall and then compelled him to stand at attention. Later he rained many blows on Neys, beat him with a sharp "Kacha" and kicked him so violently he could hardly walk (Ex 6). Confirmed by PW Bal (Ex 52).

As to Specification 4 (Komatsu): Franken: On 20 November 1944, someone switched a chest of tools for which accused beat Cortenbach with a "Soroban" until it broke and then struck him in his face repeatedly with his fist and flat hand. Accused threw him down and kicked him violently, hurting him badly. Cortenbach then had to stand at attention (Ex 6). Cortenbach states that accused beat him on his head, back and shoulders with an abacus until it broke and then beat him with his hands and fists. When he fell to the ground, accused kicked him, after which he had to stand at attention and listen to a lecture. A Japanese had switched detonator boxes with him, leaving him with one that was empty (Ex 8). Confirmed by PW Wadie (Ex 14).

As to Specification 5 (Komatsu): Franken: Accused beat PW Van Eck with his "kacha" (Ex 6). Van Eck: "Bull Dog" thrashed him with his hands more than once the last month before capitulation because he had not laid rails to his satisfaction (Ex 55).

As to Specification 6 (Komatsu): Franken: Komatsu beat PW Eilbracht with a sharp "kacha" (Ex 6). Confirmed by Van Eck (Ex 55).

URL: https://www.legal-tools.org/doc/43af7b/

As to Specification 7 (Komatsu): Trip: On the night of 19-20 December 1944, he slipped while repairing a bore and stepped on Komatsu's foot. Accused got angry and struck him many times with a stick on his head, back and loins, leaving painful, blue spots. Later that same night, he took too long getting some oil and accused beat him again. The next day, Komatsu beat him again for having eaten his lunch though with permission. Previously, on 5-6 November, Komatsu wrongfully accused him of stealing a ration and beat him with a saw and stick for two hours, giving him very painful swellings on the head and hemorrhages on his back (Ex 9). Franken: Confirms victim's narration and adds that Trip had blisters on his feet and could not move fast so Komatsu beat him more (Ex 6). (See Specification 2, Komatsu, Ex 82). Also confirmed in part (Ex 10, 12, 55 and 81).

As to Specification 8 (Komatsu): Franken: On 10 December 1944, Komatsu wrongly accused PW Bonte of sleeping during lunchtime and beat him in his face with his fist and hands, kicked his legs and beat him on the thigh with a stick for ten minutes (Ex 6). Bonte: "Bull Dog" beat him several times, as often as five times a day, without reason. The first beating in December 1944 lasted about six minutes and was severe (Ex 11). Confirmed in part (Ex 81).

As to Specification 9 (Komatsu): On 20 November 1944, accused beat PW Hafkenscheid several times for loading coal mixed with stone into a "Toro" (mine car) (Ex 6). Hafkenscheid: Tried to sabotage by loading coal mixed with stones into cart and "Bull Dog" gave him a blow on his head (Ex 12).

As to Specification 10 (Komatsu): Franken: On 26 November 1944, accused beat PW's Bal, Bruyne and Teekamp. Bruyne was flung down and beaten again in his face (Ex 6). de Bruyne: In November 1944, "Bull Dog" thrashed Bal, Teekamp and himself for being unavoidably late and threw him on the ground (Ex 51). Bal: Accused beat de Bruyne, Teekamp and himself with his clenched fist for being absent a short time with permission, throwing them to the ground and leaving them half dazed (Ex 52). Teekamp: Confirms and adds that "Bull Dog" was feared by everyone for his barbarity (Ex 54). Van Eck confirms (Ex 55).

As to Specification 11 (Komatsu): Franken: In December 1944, accused punched PW Kommer in his face, causing his mouth to bleed. At the time, Kommer was waiting for a full toro to push (Ex 6). Kommer: "Bull Dog" once beat him with his fist, giving him a bloody mouth because a coal wagon was derailed (Ex 13) Confirmed (Exs 51, 54 and 55).

As to Specification 12 (Komatsu): Franken: On 6 December 1944, accused kicked PW Brugman on his thigh for no reason. On 19 December, accused gave Brugman a severe blow on jaw at close of working hours (Ex 6).

As to Specification 13 (Komatsu): Franken: On 14 December 1944, PW Wadie was severely beaten by Komatsu (Ex 6). Wadie: Received a thrashing from Komatsu because his group was sabotaging by mixing stones with coal. Beating was not severe and was the only one given him by accused (Ex 14). (Also see Specification 14, Komatsu, Exhibit 57).

As to Specification 14 (Komatsu): Franken: Accused beat PW Jellema twice on 14 December 1944 (Ex 6). Jellema : "Bull Dog" beat him a couple of times with flat of his hand. About December 1944, accused gave him several powerful blows in the face and kicked him in the side when he fell to the ground. This occurred because a cargo cart filled with coal became derailed because the tracks were bad. Wadie and Hiele (Specifications 13 and 15, Komatsu) and a few other PW's were present in group and were kicked and thrashed (Ex 57).

As to Specification 15 (Komatsu): Franken: Komatsu struck PW Hiele for no reason on 14 December 1944 (See also Specification 14, Komatsu, Exhibit 57).

PURE: https://www.legal-tools.org/doc/43af7b/

Restricted

As to Specification 16 (Komatsu): Fagginger-Auer: Komatsu was a sadist at times. In January 1945, he fainted in the mine and two PW's brought him upstairs. The next day, Komatsu kicked and beat him for five minutes (Ex 82).

As to Specification 17 (Komatsu): Jacobs: "Bull Dog" beat him more than once with his hand, hammer and a stick (Ex 15).

As to Specification 18 (Komatsu): Bouwens: "Bull Dog" thrashed him because he dropped a mine lamp and broke it; beat him on the back and arms with a stick for five minutes, leaving stripes on his back (Ex 81).

As to Specification 19 (Komatsu): Croes: Once "Bull Dog" gave him a sound slap in his right eye. Another day, "Bull Dog" gave him a sizeable punch for letting a cart derail (Ex 16).

As to Specification 20 (Komatsu): Delbridge: On 14 August 1945, "Bull Dog" beat him across the back and legs six or seven times with a mine hammer and then knocked him down with his fists. When down, he continued to beat him and also kicked him. He sustained a fractured rib. There was no reason for the beating. He was beaten and slapped on several occasions by the "Bull Dog" (Ex 18, 19). Alley: One night in August 1945, he was in a gang with Stager, Delbridge, Pappas, J.C.Frenette and A. Arsenault and four cars came off the track. "Bull Dog" lined them up and beat them on the body, arms and head with a mining hammer for 3/4 of an hour. Alley still has scars. Most of them were knocked down and kicked when down. Several of Frenette's teeth were knocked out (Ex 27) (Exs 21,37). See Specification 26, Komatsu, Exhibit 23, for details of another beating given Delbridge by the accused.

As to Specification 21 (Komatsu): Delbridge: During the first week of August 1945, he saw accused beat PW Murray across his back and legs with hammer and fists because accused thought Murray was drinking too much water. When Murray fell, accused kicked him (Exs 18, 19). Murray: In August 1945, "Bull Dog" punched him when a coal car came off the track when being operated by another PW. Accused beat him twice more the same day, the third beating lasting ½ hour. Accused used a small wooden club and inflicted numerous bruises, blacked an eye, cut his right cheek and left him in a dazed condition. Before this incident, he was struck many times by the "Bull Dog" (Exs 24, 25) (Exs 21, 37).

As to Specification 22 (Komatsu): Ferrigan: Was struck by the "Bull Dog", a civilian shift boss (Ex 40).

As to Specification 23 (Komatsu): Hladych: Was beaten by "Bull Dog" quite a few times but was not severely injured (Ex 26).

As to Specification 24 (Komatsu): Frenette: Was beaten practically every day by guards, including "Shata-Jo" (Ex 69). (See Specification 20, Komatsu, Exhibit 27).

As to Specification 25 (Komatsu): Rose: A week before V-J Day, a car became derailed and while he was trying to put it back on the tracks, "Bull Dog" came along and hit him a hard blow across his leg with a hammer, knocking him down. He had a very bad bruise on his leg for three or four weeks (Exs 28, 29).

As to Specification 26 (Komatsu): (See Specification 20, Komatsu, Exhibit 27). Stager: Early in August 1945 or in mid-July, "Bull Dog" was beating PW Delbridge (Spec 20, Komatsu) with fists and mining hammer for being unable to explain why quota of coal was not gotten out. Delbridge turned to affiant for help and when he tried to explain situation to accused, he turned on him and struck him several times with the hammer which left black and blue marks and cut the second finger on his left hand, which became badly infected. He was not able to work in the mine again and still has a scar (Exs 22, 23).

PURL: https://www.legal-tools.org/doc/43af7b/

As to Specification 27 (Komatsu): Berard: On 19 July 1945 at 1:30 a.m., having been sick one month, he became exhausted and fainted and was helped above. "Bull Dog" awoke him by pouring cold water down his neck and ordered him back to the coal face. Passed out a second time and was again taken up for air. "Bull Dog" awoke him by punching him on forehead with the heel of his hand and by pouring water on him. He fell across the coal wagon tracks and accused then beat him across head and back with the handle of a miner's pick and again ordered him back to the coal face (Ex 74).

As to Specification 28 (Komatsu): See Specification 20, Komatsu, Exhibit 27, concerning maltreatment of PW Alley.

As to Specification 29 (Komatsu): Harper: He saw "Bull Dog" beat PW Caruso on his back and shoulders with a stick four feet long, knocking him down. He continued to beat Caruso when down. The beating lasted five minutes and Caruso was so weak as a result that he had to be taken from the mine (Ex 30).

As to Specification 30 (Komatsu): Stewart: An English PW had excremented near the water tank and "Bull Dog" accused him and beat him for five minutes until he grabbed "Bull Dog's" wrists and threatened to report him to the mine boss. This ended the beating but his mine ration was cut off (Ex 68).

As to Specification 31 (Komatsu): Kitt: On 25 May 1945, "Bull Dog" was about to beat Boudreau and Kitt told him that only soldiers could punish them. Thereupon accused and another Japanese attacked him. He fought back a while and then yielded. Stood at attention while "Bull Dog" beat him with fists and Kitt's belt. Kitt's teeth were loosened. He fell over a table and accused then picked him up and threw him to the floor and kicked him; stopped a while and then had him stand at attention again and resumed beating, all this lasting about forty minutes (Ex 32). Boudreau: He was being beaten by "Bull Dog" and "Gypsy" when Kitt intervened and "Bull Dog" beat him up with a testing hammer and a mining lamp for ½ hour. Kitt's face was badly marked up, bruised and cut (Exs 34, 35). Russell: Toward the end of May, PW's were lined up to witness accused beat and throw Kitt around because he intervened in Boudreau's beating (Ex 46). Mistreatment of Kitt witnessed and described by others (Ex 33, 36, 38-41, 43-50, 67).

As to Specification 32 (Komatsu): Arsenault: In June 1945, he was beaten by "Bull Dog" without provocation with an iron bar. No PW witnessed this because he was the last PW pushing up the car out of the mine (Ex 31).

As to Specification 33 (Komatsu): Bonte: Saw Komatsu beat PW's frequently (Ex 11). Croes: Saw "Bull Dog" beat PW Horst with a stick, then kick and trample him (Ex 16). Rafferty: PW's were slapped, kicked and beaten with sticks by Japanese, including "Bull Dog", simply because they could not understand Japanese. One day in mid-July, "Bull Dog" lined up four PW's, including Nickel, and beat them with a mine hammer for about 15 minutes (Ex 20, 21). Rose: On about 10 August, "Bull Dog" beat his helper with a hammer. His helper was beaten by Komatsu on many occasions with sticks, coal, rocks, etc. in his presence (Ex 29). de Bruyne: "Bull Dog" was chief foreman in the mine and known as "The Terror of the Mine". He was a great sadist and beat PW's almost daily (Ex 51). Jellema: Komatsu often beat PW's on head with a stick fitted with a hammer-shaped end. He gave beatings practically every day and sometimes to whole squads. He behaved like a beast (Ex 57). (Also see Specification 14, Komatsu, Exhibit 57). Bouwens: Komatsu was one of the brutes of the camp. Saw him beat other PW's often; treatment bestial; several PW's could walk only with difficulty after his maltreatment (Ex 81). General beatings described by other PW's (Exs 8, 13, 15, 17, 24, 26, 36, 43, 61, 69 and 82).

PURL: https://www.legal-tools.org/doc/43af7b/

Restricted

As to Specification 1 (Masao Suzuki): Finn, an American officer, was CO or sponsor of the Canadian PW's and made several written complaints to the Japanese Commandant. In his affidavit, he quotes from available copies: On 13 August 1945, at 0800, Flanagan was sawing a log when accused came up and hit him in the face four or five times. At 0900, he hit him on the head with a measuring stick and in the face with his hand, cutting his lip (Ex 58). Flanagan: On about 12 August 1945, he was severely beaten up about the head and body and struck with an iron bar by accused. He had thirty beatings from accused in two weeks. He identified photo (Exs 59 and 60). Stewart: Accused, a foreman, was in the habit of beating Flanagan. He saw this on numerous occasions. Accused used fists, sticks and anything he could lay hands on (Ex 68). Confirmed by others (Exs 61-64, 66 and 70).

As to Specification 2 (Masao Suzuki): Finn: Report of 24 July 1945 states that Suzukisan had been picking on Frenette and slapping him for several days for no apparent reason. Once Frenette brought a saw to accused and was slapped three times; when he protested, he was slapped six times more (Ex 58). Frenette: On about 24 July 1945, Suzuki beat him severely without provocation with his fists, feet and a wooden prop wedge. Between mid-July and August, accused beat him twelve times. On 5 August, he struck him on the neck with a saw because he handed the wrong tool (Ex 69, 70) Confirmed (Ex 59-63).

As to Specification 3 (Masao Suzuki): Jessup: Suzuki knocked him about the head with anything he could lay hold of until he was half crazy. Many times while working on high scaffolding, Suzuki either kicked or knocked him on to the metals or rocks below and he had no clothes to break the fall. Accused also bashed his fist into his face for no apparent reason (Ex 71).

As to Specification 4 (Masao Suzuki): Dempsey: On or about June 1945, he was beaten with a saw by Japanese mine boss known as Suzuki, who knocked him down and finished beating with a stick. In all, he received six or eight beatings from Suzuki (Ex 61).

As to Specification 5 (Masao Suzuki): Finn: On 11 August 1945, accused knocked PW Overton down and kicked him in his stomach while down. When he tried to get up, accused punched him in his face five or six times (Ex 58). Childs states that in August 1945, Overton was beaten by accused because he did not understand an order. Suzuki hit him over his head with a stick five or ten times, causing him to fall over and he then kicked Overton several times (Ex 72). Confirmed (Ex 64, 68).

As to Specification 6 (Masao Suzuki): Kroes: In August 1943, accused beat him for no reason till his nose bled. He reported this to Captain Franken and later accused beat him with hands and fists and pieces of wood and threw him on the ground, and when he lay there, beat and kicked him and then beat him with an iron bar and threatened to kill him if he made another complaint (Ex 56). Franken: About August 1943, Kroes reported to him, as PW CO, that he was beaten up by Suzuki, "Mad Dog". Next day, was again beaten by him. He saw the marks left on Ensign Kroes (Ex 53). Confirmed by others (Ex 51, 52, 54, 55).

As to Specification 7 (Masao Suzuki): de Bruyne: Suzuki, "De Dollehund" or "The Mad Dog", was a sadist. The slightest offenses were a ready motive for him to punish the offender (Ex 51). Franken: Suzuki beat several PW's, including Ahlhaus and Berghahn (Ex 53). Teekamp: In August 1944, he was beaten severely by "Mad Dog" with his fists until his eyes were almost shut and he was unrecognizable by other camp mates and suffered much pain. Heard that "Mad Dog" maltreated other PW's (Ex 54). Kroes: Suzuki was the most cruel section boss in camp. PW's beaten severely and named him "Dolle hond" (Ex 56). Jellema: "Mad Dog" Suzuki beat PW's with hand or first object in reach and applied jiu-jitsu holds by which victim was hurled to ground in a hard-handed way. Gave regular beatings to Sergeant Major Karels because he worked somewhat slowly (Ex 57). Flanagan: Suzuki beat about every PW he came in contact with. Saw him beat PW's Screen and

PURL: https://www.legal-tools.org/doc/43af7b/

Teekamp (Exs 59, 60). Bouwens: "Mad Dog" beat Bal all over his body, including head, with a piece of wood. When Bal fell to ground, he kicked him severely. Saw other PW's maltreated by "Mad Dog" (Ex 81). Above beatings confirmed and others related by other PW's (Ex 10, 55, 66, 69, 70, 71, 82).

As to Specification 1 (Ken Suzuki): Fagginger-Auer: Accused kicked him and beat him with pieces of wood several times in 1944 and 1945. Kicking was his forte (Ex 82).

As to Specification 2 (Ken Suzuki): Bouwens: In 1943, accused beat "Bouwens" with a thick stick because he paused to rest a bit (Ex 81).

As to Specification 3 (Ken Suzuki): Hafkenscheid: Suzuki was a mild mannered mine foreman but when he beat, he beat hard (Ex 12). Conway: Suzuki III, "Black Prince" participated in beating of PW's by sticks, fists, clubs, tools and anything else that came in handy (Ex 75). Brunet: In July 1945, Suzuki, "Black Prince" participated in a vicious beating with other guards. Accused jumped on him, knocked him down, etc., for forty-five minutes. Suzuki also beat other PW's (Ex 77). Dwyer: On 10 June 1945, Suzuki beat Brunet because he could not work with an infected hand (Ex 78). Bouwens: Accused gave PW's beatings with a thick stick when they did not work hard enough. Learned from other PW's that Suzuki gave many beatings (Ex 81). Confirmed and other beatings related (Exs 13, 17, 76, 79, 80, 82).

General:

A stipulation was introduced with respect to a document containing the names of the civilian foremen who were in charge of PW's working in the Yumoto Mine. The list showed that the only Suzuki employed as a foreman was Masao Suzuki. The roster is dated from the period June 1943 until 15 August 1945 (R 118).

Interrogation of Komatsu at Sugamo Prison, 18 November 1947: Komatsu's superior was Yabe. Masao Suzuki worked under him one week in 1945. Beginning 4 July 1944, he was responsible for the safety of forty PW's, whom he controlled through four or five Japanese foremen. Ken Suzuki was a security director who worked about one thousand meters away. Komatsu once woke up PW 143 (Cohen) by touching him because he was sleeping in a dangerous place (Ex 2).

Harukichi Yabe identified certain pictures showing working conditions in the mine (Exs 3A, 3B). A statement taken from him in Tokyo on 29 January 1948 was introduced into evidence in lieu of further direct testimony. He was a safety superintendent under Terada and starting in 1944, Komatsu was a shift boss under him in charge of mining in the lower level. In the Spring of 1945, Komatsu beat PW 143 (Cohen) because he wandered into an unsafe place. He had one complaint on Masao Suzuki beating a PW (Ex 3).

Prosecution offered, in the form of exhibits and read into the record, extracts from the trial of Hiroji Honda, Case Docket No. 6, tried 18 January 1946, including testimony therein of Terada and Honda. Terada testified that he was labor supervisor. Lt. Honda complained to him because of slappings and rough treatment of PW's by work leaders Suzuki and Komatsu. He had only one complaint about Suzuki but one or two about Komatsu. Honda testified that reports of mistreatments came to him from PW Officers who made written reports. He had two on Komatsu and reprimanded him severely the first time. The second time he reprimanded Terada and demanded that Komatsu be removed from the Company's employ. He had one complaint on Suzuki (Exs 4, 5).

Statements of Masao Suzuki taken in Sendai, 28 November 1947: He had Indonesian PW's under him in the summer of 1943. When he returned to the mine in January 1944, he worked under Ken Suzuki in the upper level and later under Komatsu in the lower level. He recalls striking two PW's with his hands while on the lower level because they did not work hard enough (Ex 83).

PURL: https://www.legal-tools.org/doc/43af7b

Statements of Ken Suzuki, Sugamo Prison, 27 February 1948: Starting in 1943, he had Dutch PW's working under him in the upper level. He had British PW's in 1944. He never worked in the lower level when PW's were in the mine. Masao Suzuki never worked under him. He heard that Masao struck PW's on two occasions in the fall of 1945.

b. For the Defense:

Cross examination of Harukichi Yabe: There were no accidents in Komatsu's group, nor did witness see him mistreat any PW's, although he heard of one occasion in which he did so. He never saw Masao Suzuki mistreat PW's but heard that he did so once. Never heard of or observed Ken Suzuki mistreating a PW (R 15-17).

Kaoru Funaki testified that he never saw or heard of either of the three accused mistreating a PW, but knew that Komatsu put in great effort for PW's. There were about seven Suzukis at the mine (R 62-64). On cross-examination, witness recalled being interrogated in Sendai, at which time he stated that Komatsu once slapped or struck down a PW, whom witness had brought to Komatsu because the PW was ill (R 65-66).

Witness Hichiro Funaki, after being warned of his rights as a witness, took the stand and testified that he never saw or heard of Ken Suzuki or Masao Suzuki mistreating PW's. There were seven Suzukis at the mine. The Dutch PW 141 (Trip) was constantly causing trouble at the mine (R 67-69).

Ichiro Sato, having been warned of his rights as a witness, testified that he worked under Komatsu from 15 August 1944 until the end of the war and never saw him mistreating PW's (R 69-71).

Fujio Matsuzaki, after being warned of his rights as a witness, testified that he was liaison officer at the PW Camp Medical office during 1944 and 1945 and does not recall any PW being treated for a fractured rib, broken limbs or bones (R 72). Once a PW had a hip dislocated due to a cave-in. There were three Allied medical officers in the camp and none complained that any of the PW's were being beaten or mistreated at the mine. On cross-examination, witness testified that it was his job to keep track of the treatment records of the PW's and to replenish medical supplies, but it was not part of his job to receive complaints from Allied doctors as to treatment of PW's in the mine and, therefore, he never heard any such complaints (R 74).

Accused Tsurugi Komatsu, after being warned of his rights as a witness, took the stand and testified in his own behalf. He began working for the Yoban Mining Company on 4 July 1944 and was a mining security director. He was in charge of a work site and had Japanese foremen under him and the PW's worked under these foremen (R 76). The ventilators and running of cars on rails made so much noise that sometimes it was necessary for him to push PW's out of the tracks. The language barrier was a handicap in transmitting his safety instructions to PW's and at times they resisted his safety efforts (R 77). Once a British PW was sitting on or near a track so accused stopped the gear and saved him from being run over by a coal car. Referring to the specifications against him, Komatsu testified as follows:

As to Specification 2: PW 143 (Cohen) once was sleeping in a place that was very dangerous (R 77). He struck Cohen's shoulder with his hand two or three times to awaken him and to get out of the dangerous area. Once when Cohen was sick, he relieved him from duty and sent him back to camp (R 80). As to Specification 4: He remembers PW Cortenbach but the incident related by Cortenbach (Ex 4) could not have occurred because PW's were not allowed to handle explosives and accused never used an abacus nor did he ever beat a PW with one (R 81). As to Specification 8: There was no shack at the work site, therefore, the episode could

PURL: https://www.legal-tools.org/doc/43af7b/

not have occurred (R 82). As to Specification 10: Bal could not have been missing at an 1100 roll call because no roll call was ever taken at that time nor was any PW ever absent at any roll call that he took (R 82). As to Specification 11: PW 41 (Kommer) was standing in a dangerous place alongside some broken machinery and accused pushed him away with his open hand (R 84). As to Specification 13: Accused remembers Wadie. He once touched him lightly on the shoulder to ask him to stop working for a moment (R 85). As to Specification 14: Jellema's account could not be correct because there were no bells within the mine (R 85).

Accused identified Exhibits A, B and C, showing the interior of the mine (R 85-88).

As to Specification 16: Accused does not remember Fagginger-Auer but the episode could not have happened because no weak PW's were allowed in the mine (R 88). As to Specification 19: Accused may have hit PW's on the shoulder to direct replacement of a car on the rails and in order to coordinate their efforts (R 89). As to Specification 20: Accused recalls an incident where a great number of cars were derailed, at which time he helped the PW's put the cars back on the tracks and in so doing had to push them to coordinate their efforts (R 90). As to Specification 21: He did not beat any PW for drinking too much water nor for trying to get him in bad with his superiors (R 90). As to Specifications 24 to 28: He never hit a PW with a hammer nor would he line up several PW's and beat them. He never knocked any teeth out of a PW nor gave them any scars (R 91). As to Specification 29: Incident could not have occurred because PW's did not "shore" up timbers (R 90). As to Specification 30: A Canadian PW named Stewart excremented near a drinking water tank and refused to come when he called him. Instead, Stewart indicated considerable anger so accused hit him on his shoulder several times with his open hand, having the sanitary interests of the mine solely in mind at the time (R 78). As to Specification 31: Kitt came at him and he hit him about two times with his open hand (R 93).

As to all other specifications, accused denied any guilt. He made the following statement to the Commission. Not a single accident or death occurred in his section. The language difficulty lead to much misunderstanding (R 94). On cross-examination, he testified that he carried a mine hammer about thirty inches long and one inch wide with a wooden handle (R 97). On the Kitt incident (Spec. 31), accused was using PW 550 as an interpreter when Kitt interfered with his explanation. Accused did not hit Kitt with a leather belt and the ten Canadian PW's are mistaken in their descriptions of what occurred (R 99-100).

Accused Masao Suzuki, after being warned of his rights as a witness, testified that he supervised six or seven Indonesian PW's from May 1943 to September 1943 (R 100). He worked on the upper level on August 12-14, 1945 and at that time had Canadian PW's under him. Otherwise, he was always on the lower level. There were seven Suzukis in the mine. Referring to the specifications against him:

As to Specification 2: He was not over Frenette in July or on August 5, 1945, so he could not have beaten him (R 102). As to Specification 3: He never struck a Canadian PW with the flat of a saw (R 103). As to Specification 6: He recalls an altercation with Kroes and slapped him twice with his open palm because he did not work (R 105). As to Specification 7: He never struck any PW's with an iron bar or a crow bar. However, he recalls that once when working on a scaffold, he was using an iron bar to pry stones down and a large stone seemed about to fall on the scaffold, so he and two PW's dropped their iron bars and got down. When he got down, he noted that one of the PW's had been struck on the back of the head by an iron bar but he does not know whether it was by the iron bar that he dropped or by the iron bar dropped by one of the other PW's. As to the balance of the specifications, he denied any guilt (R 107-112).

PURL: https://www.legal-tools.org/doc/43af7b

Accused Ken Suzuki, after being warned of his rights as a witness, testified in his own behalf. He had two or three Japanese and twenty PW's under him (R 113). He worked on the upper level; his type of work generally being that of repairing the pump, the entrances within the mines and all regular concrete work within the mine (R 112-114). Referring to the specifications against him:

As to Specification 1: He does not recall Fagginger-Auer and never kicked a Dutch PW (R 114). As to Specification 2: He remembers PW 61 (Bouwens) and never struck him (R 115). As to Specification 3: He never beat, struck, nor mistreated any Allied PW's (R 116). His part of the mine was not noisy, except when a Toro car would pass. There were occasions when it was necessary for him to tap a PW on the shoulder or grab his arm to attract his attention, either because of the language barrier or to pull a PW out of a dangerous position. There were many dangerous areas in the mine that the PW's would not understand. He would first yell at a PW when he saw him in danger. The security directors, like himself, at the mine were very pleased that there were no accidents involving PW's in the mine (R 117).

Defense introduced its Exhibit E, being a certification by the head of the Iwaki Mining Plant that Komatsu was employed at the Koshima Pit on 1 July 1944.

4. Opinion:

The record is legally sufficient to support the findings of the commission. The commission was constituted by proper authority and had jurisdiction of the accused and of the offenses alleged. There is no evidence that accused were not sane at the time of the commission of the alleged acts and at the time of trial. The accused were given a fair trial and were represented by competent counsel, including Japanese counsel of their own choice. Each of the accused took the stand and testified in his own behalf, after being warned of his rights as a witness. No ruling of the Commission was prejudicial to the substantial rights of the accused.

Accused were properly identified. There are 28 photographic identifications of Komatsu; 8 of Masao Suzuki and 9 of Ken Suzuki. As to Masao Suzuki, defense contended that there was a mis-identification because a Japanese foreman by the name of Sato was referred to as "Mad Dog" in the trial of Sato and Funaki, Case No. 299. A careful inspection of the exhibits in Case No. 299 reveals that no Dutch PW's referred to Sato as "Mad Dog" but four Canadian PW's did give him that nickname. In the case under review, no Canadian PW's referred to Masao Suzuki as "Mad Dog" but ten Dutch PW's used the appellation, "Dolle Hond", translated as "Mad Dog". There is no resemblance in the photographs of Sato and Masao Suzuki, the latter having very distinctive features. Further, although there were seven Suzukis in the mine, the roster of civilian foremen employed by the Yoban-Tanko Company lists Masao Suzuki as the only civilian foreman in the mine (R 118). Finally, Lieutenant Honda complained to Terada, Labor Advisor, because of rough treatment of PW's by Suzuki, among others (Ex 5). Terada reprimanded Suzuki and his superior Yabe for this (Ex 4). Yabe stated that the complaint concerned Masao Suzuki (Ex 3).

The defense challenged two members of the commission on the grounds that they were members of a commission that returned a finding of guilty against Sato and Funaki, Case No. 299, and that these two cases were companion cases in that they involved five employees who worked together, two being tried in Case No. 299 and the other three herein, and that considerable evidence introduced in Case No. 299 referred to accused Komatsu, who also testified therein. From this, defense contended that the two challenged commission members had already passed upon the credibility of the testimony of Komatsu and certain other defense witnesses and indicated that they attached no credibility to such testimony in that findings of guilty were returned in Case No. 299 (R3-4). This conclusion is unsound. Both challenged members stated they had formed no opinion as to the innocence of the

PURL: https://www.legal-tools.org/doc/43af7b/

accused through any testimony heard in Case No. 299. The testimony of accused Komatsu in Case No. 299 was essentially negative in character, being substantially that he had not witnessed Sato and Funaki mistreat any PW's. The mere hearing of similar testimony in the previous trial did not make a member ineligible to sit in a companion case in the absence of any showing that he had formed an opinion as to the guilt or innocence of the accused, especially since this was not an issue in the previous case (Tsuda, Case No. 150, Para K in Opinion and Para 2 in Indorsement).

Defense's Motion for Disapproval of Findings and Sentence on the ground that the commission did not have jurisdiction to try the accused for alleged offenses against British, Canadian and Dutch Nationals has been carefully read and considered. This question has been raised and passed upon in many cases and will not be discussed further here. The commission had jurisdiction (Taito, Case No. 124; Kaneko, Case No. 76; Naketani, Case No. 227; and others).

At the conclusion of prosecution's case, defense moved for a finding of not guilty on the grounds that there were no violations of the Laws and Customs of War because the PW victims involved had lost the protective status of PW's in that they were saboteurs who mixed stones with coal (Exs 12, 14, 17; R 50-61). The reasoning behind the motion of the defense is untenable in that the PW's retained the status of PW's in the absence of any showing by the defense that they had lost such status. There is no evidence of any judicial proceedings against the PW victims for the alleged acts of sabotage by which they would be deprived of their status of PW's (Articles 60 and 63, Geneva (Prisoner of War) Convention of 27 July 1929). The commission properly denied the motion.

Specification 2 (Ken Suzuki) alleges that accused did willfully and unlawfully mistreat Eddy M. Bouvens, a Dutch Prisoner of War, etc. In Specification 18 (Komatsu), the spelling of the same victim if Bouwens and the affidavit in support of both specifications is that of Eddy Martinus Bouwens (Ex 81). The victim in Specification 2 (Ken Suzuki) has been identified as Dutch PW 61, Bouwens, throughout the record, including the direct testimony of accused Ken Suzuki (R 115) and the cross examination of Ken Suzuki (R 117), and as Bouwens in the closing argument of defense counsel (R 134; also see Ex. 1). The spelling of the victim's name in Specification 2 (Ken Suzuki) as "Bouvens" is purely a typographical error. There is no doubt but that the same individual is intended.

5. Recommendations:

No requests for clemency have been submitted. The sentences are legal and are not considered excessive. The commission sentenced accused Komatsu to confinement at hard labor for twenty-five (25) years; accused Masao Suzuki to confinement at hard labor for thirteen (13) years; and accused Ken Suzuki to confinement at hard labor for four (4) years. It is recommended that the sentences be approved.

In compliance with present policy, due to the length of time the accused have been in confinement, it is further recommended that in the case of Tsurugi Komatsu twenty-five (25) months of the sentence be remitted; in the case of Masao Suzuki two (2) months of the sentence be remitted; and in the case of Ken Suzuki twenty-five (25) months of the sentence be remitted.

Sugamo Prison, Tokyo, Honshu, Japan, is the appropriate place of confinement.

PURL: https://www.legal-tools.org/doc/43af7b/

6. Action:

Forms of action designed to carry the above recommendations into effect are attached.

LAWRENCE E. JOHNSON
Lt Col., Inf.
Reviewer

I concur in general. Defense's contention that certain Far Eastern Commission members' understanding that B and C Class trials in Japan were by national courts indicates that this is trial by a national court is not supported by the facts. This court is appointed by command of SCAP and he retains controls, among which is the right to confirm a death sentence. The charges were signed by his chief legal officer, duly empowered. SCAP is the authorized authority for all the powers of the Far Eastern Commission.

Komatsu's and Ken Suzuki's sentences are considered very lenient in view of the many examples of brutal terrorism presented and established against them by the evidence.

ALLAN R. BROWNE
Lt Colonel JAGC
Army Judge Advocate

PURL: https://www.legal-tools.org/doc/43af7b/